

BLAMED FOR THE DEATH TRAP

Architect Behrens, Foreman Murray and Supts. Walker and Yondell Arrested.

BUCKLEY ALSO IN CUSTODY.

The Ex-Building Inspector May Also Be Indicted for Refusing to Testify.

MANSLAUGHTER IS THE CHARGE.

Prosecutor McIntyre Takes Action in the Deaths of the Fifteen Men.

A sensation was caused at 1 o'clock this afternoon in Part III, General Sessions, where the inquest into the death of the fifteen men killed in the Ireland Building disaster, was being held.

Coroner Fitzpatrick placed five of the men alleged to be responsible for the loss of life under arrest.

They are Architect Behrens, Thomas Murray, foreman for Parker, the builder, and Parker's superintendents Walker and Yondell, and ex-Building Inspector Dennis A. Buckley.

Each of the accused was held in \$2,500 bail to await the conclusion of the inquest. The bail was furnished.

The technical charge against each is manslaughter in the second degree.

The warrant for the arrests was asked for by Assistant District Attorney McIntyre.

Murray had been on the witness stand all the forenoon, and at the conclusion of his testimony Mr. McIntyre arose, "At this stage of the proceedings," said he, "I ask that this man be held under warrant, as on his own statement he is clearly guilty of manslaughter in the second degree."

"I firmly believe this man has tried to shield his superior. I do not say for a moment that he is the only one I'm after. There are many others in this conspiracy, and I ask that the bail be fixed at \$5,000."

The Coroner said that if he held Murray he would also have to hold Behrens and Yondell and Walker. He would hold all in \$5,000 bail. This was done.

Contractor Parker, Master Guider and the latter's foreman are already under \$5,000 bail each.

Ex-Building Inspector Buckley will also be indicted by the Grand Jury on a second charge of criminal contempt of court in refusing to be sworn at the inquest.

In the hope that the fifth day's session would result in further startling disclosures, a big crowd gathered at an early hour in Part III of the Court of General Sessions, where the investigation is being conducted.

Coroner Fitzpatrick entered the courtroom at 10 o'clock, and only waited the appearance of Assistant District Attorney McIntyre to proceed. The tenets of Ireland, Buckley, Guider, Yondell, Parker, Murray and the others were in their seats at an early hour.

Ireland on Stand.

John B. Ireland, with white Dun-dreary whiskers and clean shaven chin and lip, appeared at 10:35. Buckley was on hand, with Lawyer Tierney. Mr. McIntyre came in a moment later. Then Mr. Tierney got up and addressed the Court.

He argued that Buckley should not be put upon the stand, particularly at this time, as it would be a violation of his constitutional right. He pointed out that Buckley had not been connected with the Building Department since June 11, and that the building fell after that time.

"They have not," he said, "put on the stand the Building Inspector who acted as such since June 11. At that date the building had only progressed as far as the fifth story. It is in evidence before the court that the iron pillar broke at the sixth story, yet none of the June men have been put on the stand."

"I recognize that this is not in the nature of a criminal proceeding, and by not putting Buckley on the stand the prosecution will lose nothing of its rights. Now, I have only been in the court a few hours, yet in that time I found that the whole aim of the District Attorney is to prove that he building fell because of faulty construction in the foundations."

Advised Not to Testify.

"I do not want Mr. Buckley to be cross-examined here by this array of witnesses. Therefore, on my advice he refuses to take the witness stand at this investigation."

Coroner Fitzpatrick said the lawyer's position was untenable, as nothing had been shown, and he would insist on Buckley going on the stand. Nothing had been charged against Buckley. He was not accused, and if he could show that he had complied with the law, then he ought to be glad to take the stand.

"All I do say is this," cried the Coroner, "reputations do not count here as valuable as life. Fifteen lives have been lost in this accident, and if it is shown that any one, no matter who it be, had any responsibility for such slaughter they should, and no doubt will, be punished for it. Buckley can refuse to answer any question on the ground that it might criminate him."

"Well, your honor," said the lawyer, "on my advice Mr. Buckley refuses to be sworn."

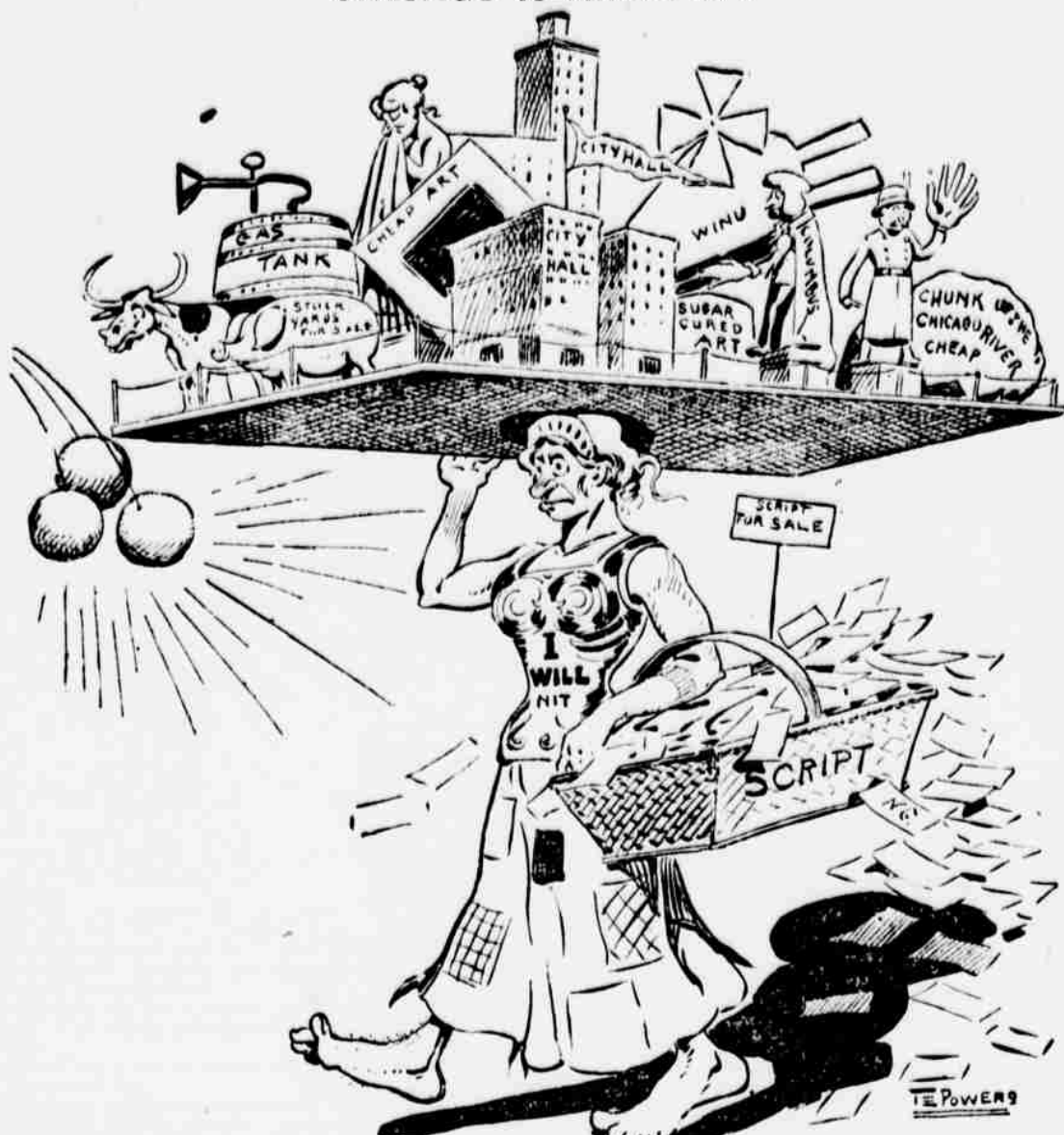
Arrest Threatened.

"Then the District Attorney will take the proper steps to compel him to do so. If I have the power I will certainly put him under arrest, for failing to testify."

It was then arranged that Foreman Murray would be recalled and finish his testimony.

Murray then took the stand, and was asked by Mr. McIntyre about the finding of the cesspool. The witness denied positively that he ever called Parker's attention to the cesspool. Neither did he regard the cesspool as being danger-

CHICAGO IS HARD UP.



And the Poor Old Girl Seems to Be Playing in Very Hard Luck in the Market Just Now.

ous when it was built on solid ground. "Do you realize it now that it was dangerous, that human lives were lost?"

"I realize it now."

Murray tried to qualify this statement, if not to withdraw it altogether. The Coroner would not have it.

"It is on the record now," he said, "and will stand there. You said you realize it now."

The Coroner then took the witness in hand as to the manner in which the concrete for the centre pillar was laid. Part of the concrete had been laid in the cesspool, but the greater part of it was laid in the earth-disturbed earth at that.

"Now," said the Coroner, "did not you, as a mechanic, know that the weight of the centre pillar rested upon the concrete laid in the earth, and that if it did not break it was bound to sink?"

"I do not think so," was the reply. "It was hard earth."

Murray was then cross-questioned at great length by Juror Burke on technical points of the foundation.

"You, as a mason, know, and know well," said he, "that the law expressly declares that concrete laid under isolated pillars must be eighteen inches thick. Why did you not tell your boss that the law was being violated; that only twelve inches of concrete was laid, and that it was dangerous?"

Murray Got Confused.

The witness was unable to answer, and became perceptibly rattled. Then Mr. McIntyre asked him if he had read the specifications showing that State laws are to be observed by builders, and that nothing can be done until the architect has examined the trenches.

He said he had. Then he was asked about the disturbed earth again, and he insisted it was not disturbed earth upon which the concrete for the centre pillar was laid.

"Then the cesspool was not disturbed soil either," asked Juror Conover.

"No, it was not."

"It was put there by nature, was it?"

"No."

Then it developed that Murray's idea of disturbed soil was when the soil had been dug and softened.

In answer to questions from Mr. McIntyre the witness gave the names of four men who are now working with him and who worked on the Ireland Building.

He is still working for Parker, who is putting up a building on the northeast corner of Ninth street and Broadway.

Since the collapse of the Ireland building, Parker had asked him if he had seen the cesspool when laying the concrete. The witness had denied to Supt. Constable having seen the cesspool. He said he knew nothing of the Building laws.

"I am trying to do the best I can," cried Murray, angrily, when another Juror began questioning him. "I don't do not get a fair show I will refuse to answer any more."

"Oh, no, you won't," cried Juror Conover.

Murray was then reprimanded by the Coroner, and he shifted about uneasily.

He said he had been a mason for thirty years, and had been taught the trade in London. He still speaks with an English accent. He said he never had any trouble with Architect Behrens.

Puts Blame on Behrens.

"I swear positively," he said, "that Behrens told me only to use twelve inches of concrete under the centre pillar, and I accordingly told Garry's men, who were doing the excavations, not to go down within six inches of the depth agreed upon."

"Behrens told you so himself?"

"He did."

Two witnesses said they began work about Nov. 15 and the concrete for the first pillar was laid about Dec. 5.

"Now, as a matter of fact," cried Lawyer Warren, who is Ireland's counsel, "did you not put in the concrete for all the pillars before Nov. 25?"

"No, we could not put it in that time," Mr. Warren then made the witness tell exactly how he spent his time at the building between Nov. 15 and Dec. 5.

Parker's lawyer protested against the line of examination and Murray blurted out:

"I don't think I am getting a fair show, anyhow."

"Oh, I'll give you all the show in the world," the lawyer replied, as he continued his questioning.

Only twelve inches of concrete was laid

under the first column, the witness said, and Yondell had not been there. Behrens, he said, had told him only to lay twelve inches of concrete under all the centre columns.

The lawyer asked if he had taken down part of the concrete wall in order to come to a level for the foundation.

"I don't know," Murray replied. "I do not remember whether I took it down, whether Garry's men took it down, or whether the wall was taken down or not."

"Oh, yes you do, now," said Mr. Warren, insistently.

An Outburst from Terhune.

"Now there is no use in talking to me like that," cried Murray, defiantly. "If I knew I would tell you, and would not be afraid of it, either."

The witness then reiterated his testimony of yesterday, only at greater length, of Yondell's first questioning him about the concrete and how Yondell told him he had seen Behrens and the latter said the twelve inches were all right.

The witness insisted that he told of the order for the change of concrete to Juror Conover, and that he had been ordered to lay concrete by the architect, Walker, then said he would go to Behrens and find out about it. Walker came back and told Murray it was all right.

"Now," said Mr. Warren, "suppose the architect told you to build the walls of the building only a foot thick instead of three feet, would you have done it?"

"No, I would not," was the reply. "Neither do I think you would," said Mr. Warren, "and yet you obeyed his order in laying concrete that was dangerous."

At this stage Lawyer Clark appeared, and said he had been retained at this late hour to represent Behrens.

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Then he asked him if Yondell's conversation as well as the entry alleged to have been made by him in Murray's notebook was not with reference to the area walls instead of the centre column.

Murray said no, that Yondell referred to the concrete under the centre column.

Many questions were first at Murray, and he seemed dazed, and leaning back in his chair he said:

"I am getting confused. I am not able to answer any more questions. I won't answer any more questions."

The lawyer appealed to the Coroner, who told Murray he would have to answer the questions. The witness was unable to tell of any conversation with Behrens or Yondell, nor any document, beyond what he had related.

He admitted that Behrens had given him an independent drawing of the plans and foundation, besides the regular specifications. The witness produced the drawing, which showed the area walls and foundation, and the centre pillar.

Mr. Wellman then took a turn at the witness. He is looking after the Coroner's interest. From his questions it appeared that the stone which was laid under the concrete was hollow on the under side.

Moved for Arrests.

It was at this point that Mr. McIntyre made a motion for the arrests.

Ex-Building Inspector Buckley was then called to the stand, and moved over promptly. Before any attempt could be made to cross-examine him, he had been called away by him to take a long argument as to why he should not be made to testify.

He said that such actions had been made against him, and that therefore he was privileged from testifying.

Mr. McIntyre replied to the arguments and Coroner Fitzpatrick also took a turn at the witness. He said that such actions had been made against him, and that therefore he was privileged from testifying.

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Murray as to permitting the use of twelve-inch concrete.

Behrens was questioned. He denied in the most emphatic manner that he had ever given such authority to Murray, Yondell, Walker, or any one else.

The Coroner at this point announced that the jurors would be taken up in stages to the scene of the wreck at 10:30 o'clock to-morrow morning.

At the request of Juror Conover an expert bridge builder named Charles O. Brown was called.

He said he had made a careful examination of the other parts of the building, which had not fallen. Both piers 2 and 7 had, he said, settled six inches.

Adjournment was then taken until 10:30 o'clock to-morrow.

A jury of six men was sworn and asked by an "Evening World" reporter if he had made the entry in Murray's notebook, saying the latter permitted him to lay the concrete twelve inches instead of three.

He said he had not, and that Murray's statements on that point were true.

"When I first got to the building," he said, "Murray had put down the fact that he had made the entry in Murray's notebook, saying the latter permitted him to lay the concrete twelve inches instead of three."

"I went to see about it," he said, "and I found that Murray was right. I saw Murray again and told him to go back and get the concrete changed to three feet. He said he would do it."

"I went back and found that the concrete was still twelve inches thick. I told him to stop. I told him to go back and get the concrete changed to three feet. He said he would do it."

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SULZER GETS ANGRY.

Rails at Prosecutor Hasbrouck in the Clinchy Investigation.

Says the Attorney Is Not Conducting the Case Properly.

The Gas Meter Inspector Said to Have Received Outside Pay.

Commissioner Sharpe resumed the investigation into the official acts of State Inspector of Motors Anthony Clinchy, in Part III of the Superior Court.

Charles F. Terhune was the first witness called. He is a member of the firm of William M. Crane & Co., of this city, manufacturers of gas appliances.

He testified that he was also the agent of the Maryland Meter Company, of Baltimore, and that the latter sent meters to him to sell, and that he placed New York State Inspectors' badges on them.

"Prior to January, 1935, we received them as often and as many as we required."

"How often after January last?"

"Then we received them under an agreement entered into between the Maryland Company and Mr. Clinchy by which Mr. Clinchy was to receive pay for."

"Hold on," exclaimed Congressman Sulzer, "the question is not a proper one."

But the Commissioner allowed the question, and the witness continued to say that Clinchy was to receive pay from the Maryland Meter Company.

"What proportion of the meters received by you prior to this year were examined personally by Clinchy, and how many by his son, the runaway witness?"

"I object, sir, to the term runaway witness," exclaimed Mr. Sulzer.

"But," said the Hasbrouck, "he is a runaway witness."

"If you continue using such terms," said Mr. Sulzer, "I will make this investigation more lively than you will believe."

"Go ahead, I am ready," said Attorney Hasbrouck.

"You are ready to say that this case properly," said Mr. Sulzer.

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